

Serial No. 10/616,186
Attorney Ref. No. 1091-007/JRD
Reply to Office Action Dated November 2, 2005

REMARKS

A non-final Office Action, dated November 2, 2005, rejects pending claims 1, 3-9, and 11-21, and 23-40 and allows claim 22. Claims 1, 7, 23, 24, 26, 28, 29, 33, 36, 37, 38 and 39 have been amended herein, and claims 2, 10, and 41-45 have been previously cancelled. Reconsideration of the rejected claims is respectfully requested in light of the foregoing amendments and following remarks.

Allowed Claims

The examiner has allowed claim 22.

35 USC § 112 (second paragraph)

Claims 24, 29, 36, 37, 38 and 39 have been amended as noted herein to address the 35 USC § 112 (second paragraph) issues identified by the examiner. These claims, along with claims 23 and 28 which no longer have double inclusion issues in light of the amendments to claims 24 and 29, should now be in proper format for further examination.

Drawing and 35 USC § 112 (first paragraph) Objections

Applicants have corrected claim 36 to now depend on claim 33, an independent claim that does not include any pocket limitations on an article of footwear. Since claim 36, as amended, does not include any pocket limitations, there is no need to update the drawings with this feature.

35 USC § 103

In light of the foregoing amendments to the claims, Applicant respectfully traverses the examiner's rejection of the currently pending claims. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so" [MPEP § 2143.01].

None of the references of record teach or suggest the combination of a substantially flexible pull that is rigidly secured to a slide as currently set forth in independent claims 1, 23, 26, 28, and 33. For example, U.S. Patent No. 2,437,099 to Krupp discloses a substantially rigid handle portion that is attached to the slide, and U.S. Patent No. 2,013,847 to Gephardt discloses a "cover strip" for protecting a zipper,

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but this cover strip is not rigidly secured to the pull of the zipper. Accordingly, the cover strip in Gephardt cannot be used as a pull for the slide of the zipper as currently described in the present application.

In light of the foregoing, applicant maintains that claims 1, 23, 26, 28, and 33 are now in condition for allowance because no references of record alone or in combination teach or suggest the combination of elements as set forth in these claims. Moreover, since pending dependent claims 3-9, 11-21, 24, 25, 27, 29-32, and 34-40, which all depend on one of these allowable claims, should also now be in condition for allowance.

In addition, there is no teaching or suggestion to use the pull of the present claims on the following articles:

1. article of footwear (Claims 20 and 33-35)
2. on a back-pack (claim 15) ; and/or,
3. on an article of apparel (claim 16, 17, 28) as currently claimed in the present claims.

The only reference of record teaching such a combination of elements is found in the present application as currently filed. Accordingly, claims 15-17, 20, 28, and 33-35 are also patentable on these grounds.

In view of the foregoing, applicant submits that all of the currently pending claims are in condition for allowance, and respectfully requests that the case be passed to issuance. If the Examiner has any questions, she is invited to contact applicants' attorney at the below-listed telephone number.

Respectfully submitted,

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